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## COMMONWEALTH of VIRGINIA

Department of Health
DIVISION OF SHELLFISH SANITATION
109 Governor Street, Room 614-B
Richmond, VA 23219

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## NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 100-097, SWANS GUT CREEK AND COCKLE POINT

## **EFFECTIVE 12 NOVEMBER 2008**

Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §2.2-4002, B.16 of the Code of Virginia.

- 1. The "Notice and Description of Shellfish Area Condemnation Number 100-097, Swans Gut Creek and Cockle Point," effective 9 November 2005, is cancelled effective 12 November 2008.
- 2. Condemned Shellfish Area Number 100-097, shown as Section A, is established effective 12 November 2008. It shall be unlawful for any person, firm, or corporation to take shellfish from this area for any purpose, except by permit granted by the Marine Resources Commission, as provided in Section 28.2-810 of the Code of Virginia. The boundaries of this area are shown on the map titled "Swans Gut Creek and Cockle Point, Condemned Shellfish Area Number 100-097, 12 November 2008" which is part of this notice.
- 3. Seasonally Condemned Shellfish Area Number 100-097, shown as Section M1, is established effective 1 April 2009, and shall remain in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded. It shall be unlawful for any person, firm or corporation to take shellfish from this area during such period for any purpose, except by permit granted by the Marine Resources Commission, as provided in § 28.2-810 of the *Code of Virginia*. The boundaries of this area are shown on the map titled "Swans Gut Creek and Cockle Point, Condemned Shellfish Area Number 100-097, 12 November 2008," which is a part of this notice.
- 4. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

## **BOUNDARIES OF CONDEMNED AREA NUMBER 100-097**

A. The condemned area shall include all of that portion of Swans Gut Creek and its tributaries located in the Commonwealth of Virginia and lying upstream of a line drawn between latitude/longitude map coordinate (37°59'14.1",-75°25'44.6") and map coordinate (37°59'15.0",-75°25'43.6").



M1. The seasonally condemned area shall include all of the unnamed canal at Cockle Point Harbor and lying inland of a line drawn between latitude/longitude map coordinate (37°59'12.3",-75°25'05.9") and map coordinate (37°59'12.9",-75°25'02.2").

Recommended by:

Director, Division of Shellfish Sanitation

Ordered by:

State Health Commissioner

